

<p align="center"><b>FILED</b>  <b>CLERK, U.S. DISTRICT COURT</b></p> <div align="center" style="border: 1px solid black; padding: 5px; margin: 10px 0;"> <p>8/5/2015</p> </div> <p align="center"><b>CENTRAL DISTRICT OF CALIFORNIA</b>  <b>BY: <u>        </u> CW <u>        </u> DEPUTY</b></p>
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UNITED STATES DISTRICT COURT  
CENTRAL DISTRICT OF CALIFORNIA

<p>CAMDEN USA, INC.,</p> <p align="center">Plaintiff,</p> <p align="center">v.</p> <p>SHEILA PHILLIPS,</p> <p align="center">Defendant.</p>	<p>)</p> <p>)</p> <p>)</p> <p>)</p> <p>)</p> <p>)</p> <p>)</p> <p>)</p> <p>)</p> <p>)</p>	<p>Case No. CV 15-5597-MWF(PJW)</p> <p><del>PROPOSED</del> ORDER SUMMARILY REMANDING  IMPROPERLY REMOVED ACTION TO LOS  ANGELES COUNTY SUPERIOR COURT</p>
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Before the Court is an unlawful detainer action that Defendant Sheila Phillips removed from the Los Angeles County Superior Court. For the following reasons, the case is summarily remanded back to that court.

In May 2015, Plaintiff Camden USA, Inc. filed an unlawful detainer action in the Los Angeles County Superior Court, claiming that Defendant owed her \$1,932 in past-due rent. On July 23, 2015, Defendant removed the action to this court, arguing that there was federal question jurisdiction because the resolution of the action turns on questions of federal law.

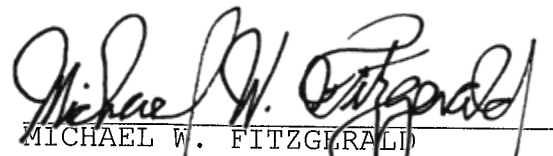
Generally speaking, federal district courts lack subject matter jurisdiction over unlawful detainer actions like this one because they

are grounded in state, not federal, law and do not become federal cases when a defendant raises a federal question as an affirmative defense or counterclaim. See *Vaden v. Discover Bank*, 556 U.S. 49, 60 (2009) ("Federal jurisdiction cannot be predicated on an actual or anticipated defense. . .[or] rest upon an actual or anticipated counterclaim.") (internal citations omitted). Further, it is clear from the face of the Complaint that there is no diversity jurisdiction under 28 U.S.C. § 1332 because, even if Defendant could establish diversity, the amount in controversy is less than \$10,000. As a result, Defendant's removal of the action was improper and the case will be remanded to the Superior Court for further proceedings. See 28 U.S.C. § 1441(a); see also *Gaus v. Miles, Inc.*, 980 F.2d 564, 567 (9th Cir. 1992).

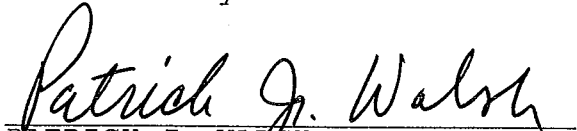
Accordingly, IT IS ORDERED that (1) pursuant to 28 U.S.C. § 1447(c), this case is REMANDED to the Superior Court of California, 275 Magnolia Avenue, Long Beach, CA 90802; (2) the clerk shall send a certified copy of this Order to the state court; and (3) the clerk shall serve copies of the Order on the parties.

IT IS SO ORDERED.

DATED: August 5, 2015

  
MICHAEL W. FITZGERALD  
UNITED STATES DISTRICT JUDGE

Presented by:

  
PATRICK J. WALSH  
UNITED STATES MAGISTRATE JUDGE

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